

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The specification has been amended to eliminate a clear translation error. No new matter whatsoever has been added.

Claim 12 is rejected because, in the words of the office action, "the spatial relationship between the other components, i.e. oscillator, magnetic field sensor, etc. and the vessel" is unclear and because "the spatial relationship between the magnetic field sensor and the oscillator" is also unclear.

The spatial relationship between the oscillator 13, the magnetic field generator 14 and the vessel or container 12 containing the sample is clear from FIG. 3 and from the text. Page 7, line 3 reads: "The device comprises of at least one oscillator. The oscillator is suitable for producing frequencies of alternating magnetic fields as are required for the present case." The arrow pointing from the oscillator 13 to the field generator 14 indicates that the oscillator 13 drives the magnetic field generator 14. In other words, the output of the oscillator 13 is connected via electrical cables to the input of the field generator 14. The arrows pointing from the field generator 14 to the container 12 labeled 15 indicate that the field generator generates a magnetic

field at the container. Thus, the spatial relationship is shown in the drawing as well as explained in the text.

In the same manner as described above, the oscillator 16 is connected to the field generator 17 that generates the alternating magnetic field 18 that is incident on the vessel or container 12 that contains the magnetic particles to be detected.

The spatial relationship between the the sample in the vessel or container 12 and the magnetic field sensor 20 is also clear from FIG. 3 and from the text. The particles respond to the incident magnetic field. They produce a response magnetic field 19 as indicated by the arrows from vessel 12 to the magnetic field sensor 20 that is detected by the magnetic field sensor 20. Page 7, line 22 reads: "The device comprises a magnetic field sensor that serves to pick up a response magnetic field from the particles," page 15 line 16 reads; "The response magnetic field 19 that is emitted by the particles or the analyze is converted by a magnetic field sensor 20 into an electrical voltage and preamplified." As an example for the connection, details are given on page 18 line 15: "The coil is so constructed that it is composed of two identically fabricated but mutually oppositely wound, series-connected partial coils only one of which is immersed in the analyte in vessel 12."

Consequently, the spatial connection between the oscillator 13 and the magnetic field sensor 20 is formed by chaining the spatial connection from oscillator 13 to container 12

and by the spatial connection from container 12 to magnetic field sensor 20.

The office action continues with: "Claim 13 is unclear of the spatial relationship between the frequency divider and the rest of the device components, i.e. oscillator, magnetic field sensor and etc."

The spatial relationship between the frequency divider 26 and the oscillator 25 is clear from FIG. 4 and from the text. Page 7, line 6 reads: "Especially advantageously, the device comprises a basis frequency oscillator from which the frequencies of the scanning magnetic field and the modulating magnetic field are derived by means of frequency dividers in a phase-correct relationship." In other words, the output of the oscillator is connected via electrical cables to the input of frequency divider.

In the same manner, the spatial relationship between the frequency dividers 27, 28 and the oscillator 25 is clear from FIG. 4 and from the text. Similarly, the spatial relationship between the frequency dividers 29, 30 and 31 and the oscillator 25 is clear from FIG. 5 and from the text.

The spatial relationship between the phase-sensitive detector 21 and the oscillator 13 is clear from FIG. 3 and from the text. Page 8, line 1 reads: "The device comprises, in addition, at least one phase-sensitive detector that is supplied from an oscillator optionally through a frequency divider with a reference

frequency. The phase-sensitive detector enables the amplitude of the response magnetic field to be determined at this frequency" In other words, the output of the oscillator is connected via electrical cables to the input of the phase-sensitive detector.

In the same manner, the phase-sensitive detector 23 and the oscillator 16 are spatially related through the frequency divider 22, see FIG. 3. In other words, the output of the oscillator is connected via electrical cables to the input of the frequency divider and the output of the frequency divider is connected via electrical cables to the input of the phase-sensitive detector.

Similarly, the phase-sensitive detector 23 and the oscillator 25 are spatially related through the frequency divider 28, see FIG. 4.

The office action states: "Claims 14, 19 and 20 recite 'the oscillator frequency' that lacks antecedent support."

An oscillator inherently has a frequency. This is clearly mentioned in the text, e.g. on page 7, line 3: "The device comprises at least one oscillator. The oscillator produces frequencies; that is what oscillators do."

Claim 22 is rejection as being "unclear of the spatial relationship between the frequency multiplier and the other

components of the device, i.e. oscillator, magnetic field sensor and etc."

As stated above, the spatial relationship between the frequency divider 26 and the oscillator 25 is clear from FIG. 4 and from the text. Page 7, line 6 reads: "Especially advantageously, the device comprises a basis frequency oscillator from which the frequencies of the scanning magnetic field and the modulating magnetic field are derived by means of frequency dividers in a phase-correct relationship." In other words, the output of the oscillator is connected via electrical cables to the input of frequency divider.

Claims 25-27, all depending from claim 12, recite "the partial coils" and this, according to the rejection, lacks antecedent basis.

The partial coils are introduced in the text. Page 18, line 15 reads "The coil is so constructed that it is composed of two identically fabricated but mutually oppositely wound, series-connected partial coils only one of which is immersed in the analyte in vessel 12."

Claim 27 also recites 'the container' which is aid to lack antecedent basis."

The words "vessel" and "container" are used interchangeably in the text and in the claims. They denote the

means for holding the sample with the magnetic particle, as stated in the text on page 6 line 25 "a container or vessel for the analyte with the particles to be detected and/or quantified."

Thus all the formal objections in the case are based on a misunderstanding of the text, which lucidly describes the invention. To say the invention is not adequately described in a twenty-some page text giving examples and referring to eight drawing figures is absurd.

There being no art rejection, the application is allowable as it now stands.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

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Enclosure: None.